

## **REMARKS**

Reconsideration of the above-identified patent application in view of the present amendment and the following remarks is respectfully requested.

This amendment cancels claims 2-9 and 11-17 and adds new claims 18-28. It is respectfully suggested that new claims 18-28 overcome the previous rejections under 35 U.S.C. §112, second paragraph and patentably define over the prior art.

New claim 18 recites a hydraulic system comprising first and second drive units which interact with one another. The first drive unit comprises a hydraulically driven motor that is adapted to drive a varying load. The second drive unit is adapted to perform a working movement which, under the action of hydraulic flow, influences the loading of the motor. The hydraulic system further includes a volume of hydraulic fluid in which a substantially constant pressure is maintained and a main duct through which a flow of hydraulic fluid is directed from the volume to the motor and the second drive unit. The flow of hydraulic fluid through the main conduit is divided with a first portion of the hydraulic fluid being directed to the motor and a second, different portion of the hydraulic fluid being directed to the second drive unit. The hydraulic system further includes a flow control valve located downstream of the motor and adapted for both starting and stopping the motor and, during operation of the motor, controlling the flow of hydraulic fluid through the motor so as to provide substantially a constant flow through the motor irrespective of load variations on the motor. The flow control valve further coordinates the flow of hydraulic fluid to the second drive unit.

It is respectfully suggested that Brown, U.S. Patent No. 6,986,368, fails to teach or suggest each limitation of claim 18. For example, Brown fails to teach or suggest hydraulic fluid at constant pressure being supplied to the motor or a flow control valve located downstream of a motor for controlling the flow of hydraulic fluid through the motor so as to provide substantially a constant flow through the motor irrespective of load variations on the motor. In Brown, the hydraulic fluid pressure supplied to the motor 72 varies and is only limited on the high pressure side by the setting of pressure relief valve 42 (See e.g., Brown, Col. 3, lines 62-63.). Additionally, in Brown, flow through the motor is controlled by varying the displacement of the motor 72, not by a downstream flow control valve. (See e.g., Brown, Col. 2, lines 13-16). Thus, claim 18 patentably defines over Brown.

Timperi et al., U.S. Patent No. 6,041,683, Johnson, U.S. Patent No. 4,722,258, and McCallum, U.S. Patent No. 2,795,933, whether taken singularly or in combination with one another or Brown, fail to teach or suggest each limitation of claim 18. Therefore, it is respectfully suggested that claim 18 is in a condition for allowance and allowance of claim 18 is respectfully requested.

Claims 19-28 depend from claim 18 and are allowable for at least the same reasons as claim 18. Claims 19-28 are also allowable for the specific limitations of each claim. Therefore, allowance of claims 19-28 is respectfully requested.

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and prompt notice to that effect is respectfully requested.

Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Daniel J. Whitman', is written over a horizontal line.

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